

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

ELEKTRA ENTERTAINMENT GROUP, INC.,
a Delaware corporation;
WARNER BROS. RECORDS, INC., a Delaware
corporation;
ARISTA RECORDS LLC, a Delaware limited
liability company;
VIRGIN RECORDS AMERICA, INC., a California corporation;
CAPITOL RECORDS, INC., a Delaware corporation;
SONY BMG MUSIC ENTERTAINMENT, a Delaware corporation;
UMG RECORDINGS, INC., a Delaware corporation, and
INTERSCOPE RECORDS, a California general partnership,

Plaintiffs,

v.

Case No.: 3:06cv114/MCR/MD

KENNETH HAGAN,

Defendant.

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DEFAULT JUDGMENT AND PERMANENT INJUNCTION

Based upon plaintiffs' motion for default judgment, and good cause appearing therefore, it is hereby ordered and adjudged that:

1. Plaintiffs' motion for default judgment is GRANTED.
2. Plaintiffs seek the minimum statutory damages of \$750.00 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the nine (9) sound recordings listed in Exhibit A to the complaint. Accordingly, having been adjudged to be in default, defendant shall pay damages to plaintiffs for infringement of plaintiffs' copyrights in the sound recordings listed in Exhibit A to the complaint, in the total principal sum of six thousand seven hundred fifty dollars (\$6,750.00).

3. Defendant shall further pay plaintiffs' costs of suit herein in the amount of three hundred twenty-five dollars. (\$325.00).

4. Defendant shall be and hereby is enjoined from directly or indirectly infringing plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

"Hyperballad," on album "Telegram," by artist "Bjork" (SR# 235-219);

"Like a Virgin," on album "Like a Virgin," by artist "Madonna" (SR# 59-442);

"My Way," on album "My Way," by artist "Usher" (SR# 257-730);

"Grindin'," on album "Lord Willin'," by artist "Clipse" (SR# 321-673);

"Caught Out There," on album "Kaleidoscope," by artist "Kelis" (SR# 277-087);

"Idioteque," on album "Kid A," by artist "Radiohead" (SR# 289-381);

"If You Had My Love," on album "On The 6," by artist "Jennifer Lopez" (SR# 267-571);

"Batter Up," on album "Country Grammar," by artist "Nelly" (SR# 281-782);

"Don't Speak," on album "Tragic Kingdom," by artist "No Doubt" (SR# 206-724);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the plaintiffs (or any parent, subsidiary, or affiliate record label of plaintiffs) ("plaintiffs' recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (*i. e.*, download) any of plaintiffs' recordings, to distribute (*i. e.*, upload) any of plaintiffs' recordings, or to make any of plaintiffs' recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of plaintiffs. Defendant also shall destroy all copies of plaintiffs' recordings that defendant has downloaded onto any computer hard drive or server without plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in defendant's possession, custody, or control.

DONE AND ORDERED this 31st day of May, 2006.

s/ M. Casey Rodgers

**M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE**